# House File 2003 - Introduced

HOUSE FILE 2003 BY WILLEMS

## A BILL FOR

- 1 An Act relating to the commission of trespass while taking the
- 2 shed antlers of a deer and providing for civil and criminal
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

#### H.F. 2003

- 1 Section 1. Section 481A.130, subsection 1, paragraph g,
- 2 unnumbered paragraph 1, Code 2011, is amended to read as
- 3 follows:
- 4 For each antlered deer or the shed antlers of a deer,
- 5 reimbursement shall be based on the score of the antlered deer
- 6 or the shed antlers of the deer as measured by the Boone and
- 7 Crockett club's scoring system for whitetail deer as follows:
- 8 Sec. 2. Section 481A.131, Code 2011, is amended to read as
- 9 follows:
- 10 481A.131 Judgment execution.
- In each case of conviction of unlawfully taking,
- 12 catching, killing, injuring, destroying, or having in
- 13 possession any fish, game, or fur-bearing animal, or the shed
- 14 antlers of a deer, the court shall enter a judgment in favor
- 15 of the state of Iowa for liquidated damages in an amount as
- 16 provided in section 481A.130, and it shall be the duty of the
- 17 commission and the prosecuting attorney or attorney general, to
- 18 collect the liquidated damages by execution or otherwise.
- 19 2. If two or more persons who have acted together are
- 20 convicted of the unlawful taking, catching, killing, injuring,
- 21 destroying, or having possession of any fish, game, or
- 22 fur-bearing animal, or the shed antlers of a deer, the judgment
- 23 shall be entered against them jointly.
- 24 3. Any liquidated damages received under this section
- 25 and section 481A.130 shall be remitted to the treasurer of
- 26 state who shall credit such damages to the state fish and game
- 27 protection fund.
- 28 4. The return of any uninjured fish, game, or fur-bearing
- 29 animal animals, or the shed antlers of a deer, which has have
- 30 been unlawfully taken, caught, or possessed, to the place
- 31 where taken or caught or to any other place approved by the
- 32 commission, shall constitute the discharge of any liquidated
- 33 damages provided under section 481A.130.
- 34 5. Civil suits for the collection of judgments may be
- 35 prosecuted by the attorney general or by county attorneys.

#### H.F. 2003

- 1 Sec. 3. Section 716.7, subsection 2, paragraph a, Code
- 2 Supplement 2011, is amended to read as follows:
- 3 a. Entering upon or in property without the express
- 4 permission of the owner, lessee, or person in lawful possession
- 5 with the intent to commit a public offense, to use, remove
- 6 therefrom, alter, damage, harass, or place thereon or therein
- 7 anything animate or inanimate, or to hunt, fish, or trap on
- 8 or in the property, including the act of taking or attempting
- 9 to take the shed antlers of a deer, or a deer, other than a
- 10 farm deer as defined in section 170.1 or preserve whitetail as
- 11 defined in section 484C.1, which is on or in the property by a
- 12 person who is outside the property. This paragraph does not
- 13 prohibit the unarmed pursuit of game or fur-bearing animals by
- 14 a person who lawfully injured or killed the game or fur-bearing
- 15 animal which comes to rest on or escapes to the property of
- 16 another.
- 17 Sec. 4. Section 716.8, subsection 5, Code Supplement 2011,
- 18 is amended to read as follows:
- 19 5. A person who commits a trespass while hunting deer or
- 20 taking the shed antlers of a deer, other than a farm deer as
- 21 defined in section 170.1 or preserve whitetail as defined in
- 22 section 484C.1, commits a simple misdemeanor. The person shall
- 23 also be subject to civil penalties as provided in sections
- 24 481A.130 and 481A.131. A deer or the shed antlers of a deer
- 25 taken by a person while committing such a trespass shall be
- 26 subject to seizure as provided in section 481A.12.
- 27 EXPLANATION
- 28 This bill relates to the commission of trespass while taking
- 29 the shed antlers of a deer.
- 30 The bill provides that a person commits trespass when
- 31 entering on the property of another without the permission of
- 32 the person in lawful possession of that property, with the
- 33 intent to take or attempt to take the shed antlers of a deer.
- 34 Commission of trespass for this purpose is punishable as a
- 35 simple misdemeanor. A simple misdemeanor is punishable by

### H.F. 2003

- 1 confinement for no more than 30 days or a fine of at least \$65
- 2 but not more than \$625 or by both.
- 3 A person who commits trespass for the purpose of taking the
- 4 shed antlers of a deer is also subject to a civil judgment for
- 5 liquidated damages based on the size and value of the shed
- 6 antlers taken as measured by the Boone and Crockett club's
- 7 scoring system for whitetail deer. The judgment may also
- 8 include a community service requirement. The return of shed
- 9 antlers that were wrongfully taken to the place where taken or
- 10 to any other place approved by the commission constitutes a
- 11 discharge of any liquidated damages. Any liquidated damages
- 12 received under this provision must be credited by the treasurer
- 13 of state to the state fish and game protection fund.